

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING
THE FREDERICK BUILDING CODE, AS INCORPORATED IN THE TOWN OF
FREDERICK MUNICIPAL CODE, 1992 AS ARTICLE I, CHAPTER 18.**

WHEREAS, the Town of Frederick Municipal Code, Article I, Chapter 18 substantially incorporated multiple International Code Council (ICC) code sets, including the *International Building Code*, *International Residential Code*, *International Mechanical Code*, and *International Plumbing Code*, along with the *Uniform Code for Abatement of Dangerous Buildings* (collectively adopted as the Building Code); and

WHEREAS, the Building Code adoption included establishment of a board of adjustments to hear appeals of orders, decisions and determinations made by the building official; and

WHEREAS, under the Building Code, the Board of Adjustment is comprised of the members of the Board of Trustees, which may be inconsistent with ICC requirements that Board of Adjustment members possess construction industry expertise; and

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, make the Code consistent with Town practices, repeal inapplicable and remnant provisions, and to clarify and improve public understanding of Town procedures.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Section 18-1-70 (5) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(5) Section 112.1 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustments, to be referred to as the “Building Appeals Board.” The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official.”

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Section 2. Section 18-1-70 (7) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(7) Section 112.3 of the *International Building Code* is deleted in its entirety and reenacted to read as follows:

112.3 Qualifications, limitations of authority. The Board of Adjustments shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees. The Building Appeals Board shall have no authority relative to the interpretation of the administrative provisions of this Code, nor shall the board be empowered to waive requirements of this Code.”

Section 3. Section 18-1-70 (8) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(8) Section 112 of the *International Building Code* is amended by the addition of the following Section 112.4, to read as follows:

112.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board’s decisions.”

Section 4. Section 18-1-70 (21) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(21) Section R112.1 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustments, to be referred to as the “Building Appeals Board.” The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official.”

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Section 5. Section 18-1-70 (23) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(23) Section 112.3 of the *International Residential Code* is deleted in its entirety and reenacted to read as follows:

R112.3 Qualifications. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees.”

Section 6. Section 18-1-70 (24) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

(24) Section 112 of the *International Residential Code* is amended by the addition of the following Section R112.5, to read as follows:

R112.5 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance.”

Section 7. Section 18-1-70 (47) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(47) Section 109.1 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

109.1 General, qualifications. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustments, to be referred to as the “Building Appeals Board.” The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees.”

Section 8. Section 18-1-70 (50) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(50) Section 109.4 of the *International Mechanical Code* is deleted in its entirety and reenacted to read as follows:

109.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

Section 9. Section 18-1-70 (58) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

"Sec. 18-1-70 Amendments.

...

(58) Section 109.1 of the *International Fuel Gas Code* is deleted in its entirety and reenacted to read as follows:

109.1 General, qualifications. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustments, to be referred to as the "Building Appeals Board." The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

Section 10. Section 18-1-70 (61) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

"Sec. 18-1-70 Amendments.

...

(61) Section 109.4 of the *International Fuel Gas Code* is deleted in its entirety and reenacted to read as follows:

109.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

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Section 11. Section 18-1-70 (72) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(72) Section 109.1 of the *International Plumbing Code* is deleted in its entirety and reenacted to read as follows:

109.1 General, qualifications. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustments, to be referred to as the “Building Appeals Board.” The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of the community appointed by the Board of Trustees. The board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees.”

Section 12. Section 18-1-70 (75) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(75) Section 109.4 of the *International Plumbing Code* is deleted in its entirety and reenacted to read as follows:

109.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board’s decisions.”

Section 13. Section 18-1-70 (77) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 18-1-70 Amendments.

...

(77) Section 205.1 of the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 Edition, is deleted in its entirety and reenacted to read as follows:

205.1 General, qualifications. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustments, to be referred to as the “Building Appeals Board.” The Building Appeals Board shall be comprised of at least one (1) member of the Board of Trustees and two (2) members of

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the community appointed by the Board of Trustees. The board shall adopt rules and procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. The Building Appeals Board shall consist of members who are qualified by expertise and training to pass on matters pertaining to building construction and are not Town employees."

Section 14. Section 18-1-70 (80) of Article I Chapter 18, (Frederick Building Code) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

"Sec. 18-1-70 Amendments.

...

(80) Section 205 of the *Uniform Code for the Abatement of Dangerous Buildings* is amended by the addition of a new Section 205.4, to read as follows:

205.4 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance. The building official, or his designee, shall attend all meetings of the Building Appeals Board and shall maintain a record of such proceedings, including all conclusions and findings underlying the Board's decisions."

Section 15. Effective date. This ordinance shall be published and become effective as provided by law.

Section 16. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS _____ DAY OF _____, 2010.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor